

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

E³ BIOFUELS, LLC,
Plaintiff,

v.

BIOTHANE CORPORATION and
PERENNIAL ENERGY, INC.,
Defendants.

Case No. 1:12-mc-76

Spiegel, J.
Litkovitz, M.J.

ORDER

This matter is before the Court following a hearing held on January 24, 2013 on petitioner Perennial Energy, Inc's (PEI) motion to compel responses to a subpoena issued to non-party Katzen International, Inc. (Katzen) (Doc. 1), Katzen's response in opposition (Doc. 6), and PEI's reply memorandum (Doc 13), and Katzen's motion to quash the subpoena and motion for a protective order (Doc. 7), PEI's response in opposition (Doc. 12), and Katzen's reply memorandum. (Doc. 16).


In lieu of holding oral argument on the merits of their respective motions, PEI and Katzen agreed to engage in a Court-assisted discovery conference which resulted in the resolution of the majority of the disputes raised in their respective motions. For the reasons stated at the conference and given the agreements reached by the parties, their respective motions (Docs. 1 and 7) are **DENIED** as moot.

A status conference in this matter is set for **March 4, 2013 at 2:00 p.m.** Prior to the conference, PEI and Katzen are to identify information technology specialists and begin collaborating on devising a methodology for obtaining and producing the electronically stored information (ESI) in the possession of Katzen which is responsive to PEI's subpoena. The

parties shall advise the Court of the status of the ESI search at the March 4, 2013 conference.

IT IS SO ORDERED.

Date: 1/24/2013


Karen L. Litkovitz
United States Magistrate Judge